

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
February 7, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Chairman Lindell – Present
Commissioner Sheldon – Present
Commissioner Anderson – Present
Commissioner Swain – Absent
Commissioner Woodward – Present
Commissioner Russo – Present
Commissioner Backer – Present

APPROVAL OF MINUTES:

Approval of the Minutes from the January 3, 2012 Planning Commission Meeting

ACTION: Commissioner Backer made a motion to approve the Minutes from the January 3, 2012 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Russo.

VOTE: All in favor 5-0 with 2 Absent Motion carried

NEW BUSINESS:

Review Petition 12-1 Tax Parcel #1900-400-537

Mike Levitsky introduced himself stating he is from Fast Signs. He said they were asking for approval to change the sign on the building, located at 922 New Rd., to read “Superior Building” as opposed to “Wells Building”, which it currently reads. Mr. Levitsky stated the size of the sign and letters would remain the same.

Chairman Lindell asked if there would be any lighting in the sign.

Mr. Levitsky stated there would not be.

Chairman Lindell stated that, since there was no previous variance granted for the Wells Building sign to be 12' from the street, the purpose for the petition is merely a formality of compliance.

ACTION: A motion was made by Commissioner Russo to recommend Approval of Petition 12-1. Commissioner Sheldon seconded the motion.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

Review Petition 12-2 Tax Parcel #1900-500-038

Rocky Mehta introduced himself as the petitioner. He stated they want to advertise the gas prices with a digital sign because the digital signs are becoming more popular all over the country, and they conserve more energy.

Chairman Lindell asked what color the digital lighting is that is in the sign.

Mr. Mehta stated it is red.

Commissioner Backer asked what hardship would be endured if the petition was not approved.

Mr. Mehta stated that, now that the gas station is not a branded name, he would need an attractive sign in order to attract customers.

Commissioner Backer stated that the sign is very visible from both sides already.

Mr. Mehta said that, without the digital sign, one would have to get much closer to the station in order to see the prices.

Chairman Lindell stated that, in the past, they allowed the Firehouse and an Insulation Business to use amber colored digital lighting for their signs. He then asked Mr. Mehta what the difficulty would be if he were to change the color from red to amber.

Mr. Mehta said he spent \$19,000 on the sign, and to change the color, it would cost another \$10,000.

Commissioner Backer asked if the sign was currently up.

Mr. Mehta stated it's been up for about 6 weeks.

Code Officer Brian Swift stated that the permit issued was for a fluorescent/diffused lighting sign.

Commissioner Backer asked if Mr. Mehta was saying his hardship was of a financial one.

Mr. Mehta said, yes, if he had to change the sign.

Chairman Lindell stated that Mr. Mehta had “put the cart before the horse” and that he should’ve found out from the Code Office what he was and was not allowed to do.

Mr. Mehta agreed.

Chairman Lindell then said he would like the amber color suggestion looked at.

Mr. Mehta stated that if he were to change the color of the digital lighting, it would cost him the same as if he were to replace the whole sign.

Commissioner Sheldon asked if Mr. Mehta had spoken with the manufacturer about the options of changing the color of the digital lighting.

Mr. Mehta said he did, and he was told they would have to switch out the entire electrical panel in order to do so.

Commissioner Backer asked why Mr. Mehta chose to put up a digital sign when the permit issued was for the regular lighting.

Mr. Mehta stated there was a communication gap between himself, the contractor, and the Code Office. He stated on the permit application it said “Florescent” and “Digital”, but he does not know which one the contractor marked.

Mr. Swift said he marked “Florescent”.

Councilman Steve Berg introduced himself as 2nd District Councilman as well as a resident of 108 Northern Ave. He stated he is not in favor of the petition, due to the fact that the applicant simply did not follow the rules, and encourages the Planning Commission to recommend denial to the Board of Adjustment.

Town Manager John Giles said the requirement for a variance to the Town’s Code is the applicant must prove a hardship. He went on to say that he does not feel that the applicant has done so. Mr. Giles then stated that the applicant applied for a permit for one thing and did another, and therefore, he feels that he cannot claim a hardship of the cost of replacing the sign.

ACTION: A motion was made by Commissioner Backer to recommend denial of Petition 12-2. Commissioner Anderson seconded the motion.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

OLD BUSINESS:

Review of the Annual Comprehensive Plan Update Report

Chairman Lindell stated that many of the Action Plans that were in the hands of the Planning Commission are a progress in motion. He then referred to Action Plan 28, which deals with the re-greening of Elsmere. He stated that the Town has received grants from the State and DNREC to continue the walking-path along the south side of Dover Ave., as well as, continue the Dog Park. He then referred to a packet he shared with the other Commissioners, which was a template from the town of Atwater in New York of their Urban and Community Forrester Master Plan.

Commissioner Woodward arrived at 7:19pm.

Chairman Lindell stated both the walkway, and Dog Park, would require some sort of buffer. He went on to say that buffering for the walkway on the Dover Ave. side would be between the railroad and the walkway. Mr. Lindell said Town Manager Giles agreed to find a log the town may have with the state, of trees that are currently in Elsmere, in order to get an idea of consistency in regards to the types of trees to plant. He went on to say that, of those trees, they could then determine which ones would provide the best buffer for the walkway and Dog Park.

Town Manager Giles said he had found a website that includes a program that asks questions and helps to develop a plan determined by the answers provided.

Commissioners Backer and Russo both stated that they would like to seek some professional assistance in regards to developing an Urban and Community Forrester Master Plan.

Mr. Giles stated that the Forestry Dept. of DNREC has offered to assist the Town with coming up with a plan.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Russo to adjourn. Commissioner Backer seconded the motion.

VOTE: All in favor 6-0 with 1 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the February 7, 2012 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY